

Appl. No. 10/721,152
Am dt. Dated August 31, 2005
Reply to Office Action of May 3, 2005
ATTORNEY DOCKET NO: P50-0053

REMARKS

Applicant submits this response in reply to the Office Action dated May 3, 2005 in the above-identified application. Applicant respectfully requests that this Amendment be entered.

Before addressing the rejections under 35 U.S.C. 103, Applicant desires to point out that Independent Claim 1 has been amended to recite that the support has a composition "consisting essentially of" the stated ingredients; and to recite the level of the metal salt of an unsaturated carboxylic acid, the filler and the sulfur.

Because of the amendment to Claim 1, claims 10, 12 and 15 have been cancelled.

Further, Applicant has also cancelled claims 12, 13 and 14.

A new Claim 21 has been added which is directed to the features of the support and its composition.

Rejection of Claims 1 to 20 under 35 U.S.C. 103(a).

The Examiner rejected the claims as being obvious under 35 U.S.C. 103(a) over Abinal (FR 2,794,686; US 6,564,842) in view of Oberster (US 5,202,363), Roland (US 4,929,684) and McElrath (US 6,051,653).

Abinal discloses a support which has features the same as shown by the Applicant. However, as the Examiner notes, the composition of Abinal's support is not the same as Applicant's composition. Although Abinal discloses some compositions,

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improvements in the compositions used for the Abinal support can yield advantages such as a higher modulus and reduced weight.

The Applicant is well aware of Abinal's work (for Michelin). The Applicant's goal is to provide an improved composition for the support in Abinal. Applicant clearly states (page 4, lines 12-24) that his support provides a reduction in weight, reduced hysteresis (leading to lower energy generation), enhanced thermal stability, and enhanced oxidative stability. All of these improvements yield a better support for the tire-wheel assembly of Abinal.

The examiner states that the materials chosen by the Applicant would have been obvious to choose in view of Oberster, Roland and McElrath. But, chemistry is not an exact science. None of the Patentees prepared or disclose articles such as a Support for a tire-wheel assembly. Until the Applicant made and tested his compositions for the Support, it was not certain that the Improvements in the Support would be obtained. Further, Applicant had now limited his composition to specific compositions.

Rejection of Claims 3, 5 and 20 under 35 U.S.C. 103(a).

The Examiner rejected claims 3, 5 and 20 as being obvious. Applicant does not rely on the use of natural rubber or synthetic rubber for patentability. Applicant relies on the specific combination of the support and its composition, as encompassed by Claim 1. Applicant submits that Claims 3, 5 and 20, being dependent on Claim 1, are patentable if Claim 1 is found patentable.

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Rejection of Claim 4 under 35 U.S.C. 103(a).

The Examiner rejected claim 4 as being obvious. Applicant respectfully traverses this rejection. The polymers recited by Applicant in claim 4 do not represent "common rubbers" extensively used as tire components. However, as stated above, Applicant submits that Claim 4, being dependent on Claim 1, is patentable if Claim 1 is found patentable.

Rejection of Claims 6 and 7 under 35 U.S.C. 103(a).

The Examiner rejected claims 6 and 7 as being obvious in view of Oberster, Roland and McElrath. Applicant admits that the unsaturated di- and tri- acrylates and methacrylates disclosed in the cited art are the same ones that the Applicant uses in his invention. But, Applicant's invention does not reside in this one ingredient. Applicant's invention is a support having an improved composition which leads to improved properties. Applicant submits that Claims 6 and 7, being dependent on Claim 1, are patentable if Claim 1 is found patentable.

Rejection of Claim 8 under 35 U.S.C. 103(a).

The Examiner rejected claim 8 as being obvious in view of Oberster and McElrath. Again, as stated above, Applicant does not rely on the use of known peroxide curing agents for patentability; but on his claim for a support with a specific composition. Applicant submits that Claim 8, being dependent on Claim 1, is patentable if Claim 1 is found patentable.

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Rejection of Claims 9 to 11 and 18 under 35 U.S.C. 103(a).

The Examiner rejected claims 9-11 and 18 as being obvious. Claim 10 has been cancelled, but the substance of the claim has been added to claim 1. Applicant does not rely of the use of known fillers for the patentability of his invention. Claim 1 is directed to a support having improved properties resulting from a specific composition. Applicant submits that Claims 9, 11 and 18, being dependent on Claim 1, are patentable if Claim 1 is found patentable.

Rejection of Claims 12, 13 and 14 under 35 U.S.C. 103(a).

The Examiner rejected claims 18 as being obvious in view of Abinal.
All three claims have been cancelled.

Rejection of Claims 15 to 17 under 35 U.S.C. 103(a).

The Examiner rejected claims 15 to 17 as being obvious in view of Oberster and Roland. Claim 15 has been cancelled, but the substance of claim 15 has been added to claim 1.

As mentioned above, Applicant does not rely on the type of, or the range of use of, the unsaturated di- and tri- acrylates and methacrylates used in his Invention. Applicant relies on the claim to the support and the composition in Claim 1. Applicant submits that Claims 16 and 17, being dependent on Claim 1, are patentable if Claim 1 is found patentable.

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Rejection of Claim 19 under 35 U.S.C. 103(a).

The Examiner rejected claim 19 as being obvious. As stated above, Applicant does not rely on the type of rubber (in this case, polybutadiene) used to make his Invention patentable. Applicant submits that the above-referenced dependent claim, being dependent on Claim 1, is patentable if Claim 1 is found patentable.

New Claim 21.

Applicant has added new Claim 21 which combines the features of the Abinal support with the composition claimed in claim 1. It is this combination which yields improved properties for the support.

Applicant submits that Claims 1 to 9, 11, and 16 to 21 are in condition for Allowance, and respectfully requests that they be allowed.

Respectfully submitted,


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